



02 APR 2009

ET SEQ LIMITADA
10061 RIVERSIDE DRIVE
SUITE 142
TOLUCA LAKE CA 91602

In re Application of	:	
SANTIBANEZ VIANI	:	DECISION ON
Serial No.: 10/596,983	:	
PCT No.: PCT/EP04/14685	:	PETITION
Int. Filing Date: 23 December 2004	:	
Priority Date: 05 January 2004	:	UNDER 37 CFR 1.47(a)
Atty Docket No.: MA-101	:	
For: SYSTEM FOR MEASURING ULTRA-	:	
VIOLET SOLAR RADIATION WITH MEANS....	:	
	:	

This decision is in response to applicant's "Petition under 37 CFR 1.47(a)" filed 29 January 2009 to accept the application without the signature of inventor ERNESTO VICENTE GRAMSCH LABRA. Applicant's request for a five month extension of time is granted.

BACKGROUND

On 02 July 2008, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 29 January 2009, applicant filed a petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor GRAMSCH LABRA along with a declaration executed by the co-inventor.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(h), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Petitioner satisfied Item (1) with the payment of the petition fee. Item (2) is satisfied by the statement of first-hand knowledge of co-inventor SANTIBANEZ, that in a telephone conversation with inventor GRAMSCH LABRA on 26 October 2006, he refused to sign the application papers. The non-signing inventor's last known address was provided in the co-inventor's statement satisfying Item (3). Item 4 is satisfied with the declaration, signed by the joint inventor on his behalf and the nonsigning joint inventor. The declaration, submitted on 29 January 2009, as executed by the joint inventor, provides the residence, address and citizenship of the inventors and meets the requirements of 37 CFR 1.497(a) and (b).

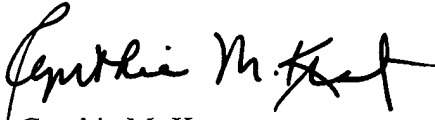
Petitioner has satisfied the requirements of 37 CFR 1.47(a). Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

For the above reasons, the petition under 37 CFR §1.47(a) is **GRANTED**.

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declaration filed 29 January 2009. The application has an international filing date of 23 December 2004 under 35 U.S.C. 363, and a date of 29 January 2009 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.



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Dear Mr. Gramsch Labra:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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